

**FILED: ERIE COUNTY CLERK 03/09/2015 09:42 AM**  
NYSCEF DOC. NO. 1

INDEX NO. 802982/2015

RECEIVED NYSCEF: 03/09/2015  
01149669 Summons4143TKSUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIECOURT INDEX NO.  
CONSUMER CREDIT  
TRANSACTION

Bank of America, N.A.

## SUMMONS

MJRF# 01149669

Plaintiff  
against  
ELAINE S WENDEL

Plaintiff's address:  
655 PAPER MILL ROAD  
NEWARK DE 19711

Defendant(s)

Defendant's Address:  
D1 - 260 WESTFIELD RD  
BUFFALO, NY14226  
D2 -

The basis of the venue is  
**DEFENDANT RESIDES IN THE COUNTY**

TO THE ABOVE NAMED DEFENDANT(S):

**YOU ARE HEREBY SUMMONED**

to answer the complaint in this action and to serve a copy of your answer on Plaintiff's Attorneys within the time provided by law as noted below.

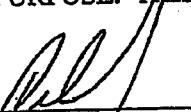
DATED: February 18, 2015

MULLOOLY, JEFFREY, ROONEY & FLYNN LLP Attorneys for Plaintiff  
6851 JERICHO TPKE, PO BOX 9036,  
SYOSSET, NEW YORK 11791-9036 (516)656-5300

**NOTE: The law provides that:**

- (a) If this summons is served by its delivery to you personally within the State of New York you must appear and answer within twenty days after such service; or
- (b) If this summons is served by delivery to any person other than you personally or is served outside the State of New York or by publication, or by any means other than personal delivery to you within the State of New York you are allowed thirty days after service is complete to answer.

**THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION GATHERED WILL BE USED FOR THIS PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.**



THOMAS A. DREDGER JR.  
MULLOOLY, JEFFREY, ROONEY & FLYNN LLP

01149669 Complaint 4143TK

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

COURT INDEX NO.

Bank of America, N.A.

MJRF#- 01149669

Plaintiff

-against

ELAINE S WENDEL

**COMPLAINT**

Defendant(s)

Plaintiff, by its attorneys, complaining of the defendant(s), upon information and belief respectfully alleges:

1. Plaintiff is a National Banking Association and a wholly-owned subsidiary of Bank of America Corporation and the successor-in-interest to FIA Card Services, N.A. ("FIA"), formerly known as MBNA America Bank, N.A. Fleet Bank, N.A. was a predecessor-in-interest to FIA and FIA was merged into and under the charter and title of Plaintiff effective October 1, 2014.

2. That the defendant(s) resides in the county in which this action is brought; or that the defendant(s) transacted business within the county in which this action is brought in person or through his agent and that the instant cause of action arose out of said transaction.

3. That the parties hereto entered into a Revolving Credit Agreement.

4. Plaintiff duly performed all conditions on its part under the agreement.

5. Defendant(s) defaulted in payment and pursuant to the terms of the agreement now owes a balance of \$15,556.91.

**FOR A SECOND CAUSE OF ACTION**

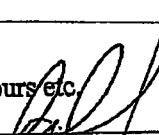
6. That heretofore, plaintiff rendered to defendant(s) monthly, full and true accounts of the indebtedness owing by the defendant(s) as a result of the above agreement, in an amount as herein above set forth which account statements were delivered to and accepted without successful objection by the defendant(s) resulting in an account stated for the amount set forth above.

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION GATHERED WILL BE USED FOR THIS PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

WHEREFORE, plaintiff demands judgment against defendant(s) for the sum of \$15,556.91, together with costs and disbursements.

DATED: February 18, 2015

Yours etc.

  
THOMAS A. DREDGER JR.  
MULLOOLY, JEFFREY, ROONEY & FLYNN LLP  
Attorneys for Plaintiff  
6851 JERICHO TPKE- STE 220  
PO BOX 9036  
SYOSSET, NY 11791-9036  
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supn10/